

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             ) Case No.: 12-00073-01-CR-W-GAF  
                                  )  
                                  )  
MICHAEL J. CARR,            )  
                                  )  
                                  )  
Defendant.                    )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on October 5, 2012. Defendant Carr appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorneys Bruce Clark and Shalanda Smith.

***I. BACKGROUND***

On March 13, 2012, an indictment was returned charging Defendant with one count of being a felon in possession of ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Ms. Smith announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Christopher Gilio, BATF Task Force.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Carr. Matthew Merryman, Rule 16 student counsel, will assist.

### ***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

### ***IV. TRIAL WITNESSES***

Ms. Smith announced that the government intends to call 7 witnesses without stipulations or 5 witnesses with stipulations during the trial.

Ms. Holloman-Hughes announced that Defendant Carr intends to call 1 witness during the trial. Defendant will not testify.

### ***V. TRIAL EXHIBITS***

Ms. Smith announced that the government will offer approximately 13 exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Carr will offer approximately 7 exhibits in evidence during the trial.

### ***VI. DEFENSES***

Ms. Holloman-Hughes announced that Defendant Carr will rely on the defense of general denial.

### ***VII. POSSIBLE DISPOSITION***

Ms. Holloman-Hughes stated this case is definitely for trial.

### ***VIII. STIPULATIONS***

Stipulations are likely as to Defendant's prior felony conviction and the interstate nexus of firearm.

### ***IX. TRIAL TIME***

Counsel were in agreement that this case will take 1 ½ days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed April 27, 2012, counsel for each party file and serve a list of exhibits she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by October 4, 2012;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, October 17, 2012;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, October 17, 2012. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

**XI. UNUSUAL QUESTIONS OF LAW**

No motions in limine are anticipated. There are no unusual questions of law.

**XII. TRIAL SETTING**

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on October 22, 2012. Both parties request the second week of the docket because of other trial commitments.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
October 5, 2012  
cc: Mr. Kevin Lyon

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by October 19, 2012. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.